

**FARMINGTON CITY COUNCIL MEETING**  
Tuesday, October 1, 2013

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**WORK SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Jim Talbot and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cindy Roybal was excused.*

**Ordinance Amending building height in the RMU Zone**

Mayor Harbertson reported that the Planning Commission recommended approval of this Ordinance in conjunction with approval of a schematic plan for the Avenues at Station Park and said a change needs to be made on page 1, with #3 stating 10 acres rather than 15. Dave Millheim said there are two RMU zones in the City which will be affected by this decision.

**Avenues at Station Park Schematic Plan**

Several members of staff and the Council met at the site to get a perspective on height. David Petersen said the plan meets all City standards except the 3-story homes next to the UTA trail exceeds the height limit. The Council should consider whether or not this use fits the area, and elevations have been included to help explain the concept but will not be specifically addressed tonight. Henry Walker Homes (HWH) will be required to submit a project master plan regarding access for utilities and other infrastructure.

**Bell Estates Schematic Plan**

The Council discussed several issues including open space, a 55-foot easement on the north side of the property, and an elementary school that the Davis School District (DSD) plans to build next to the property. David Petersen said the Development Review Committee (DRC) advised waiting until the school is built to vacate the easement. Cory Ritz pointed out that 950 W cannot be the only access road for the school.

**Villa Susanna Schematic Plan**

Mayor Harbertson said the zoning on Main Street requires homes to face the street, but these homes face inward. There is an old wall and steps which must remain, and the developer plans to install a 6-foot decorative fence several feet from the old wall. A PUD would allow greater flexibility, but the contractor does not want to do a PUD. Dave Millheim said the City spent \$100,000 in RDA funds to clean up this blighted area, and the City is a major financial contributor to this project. The Council discussed the pros and cons and their desire to have the driveway located as far to the east as possible.

## **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Jim Talbot and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey, and Youth City Council Member Jarom Barnes. Council Member Cindy Roybal was excused.*

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by Council Member **Bilton** and the Pledge of Allegiance was led by local Boy Scout **Spencer Gates** of Troop 423.

### **REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:**

#### **Executive Summary for Planning Commission meeting held September 17, 2013**

The Summary was included in the staff report.

### **PUBLIC HEARINGS:**

#### **Regulating Plan Amendment**

**David Petersen** said the proposed amendments are an effort to provide a street pattern for the mixed-use area in west Farmington while honoring various property lines and streets. Staff met with property owners and with the Planning Commission to obtain feedback.

*The Public Hearing was opened at 7:15 p.m.*

**Steve Christensen**, 351 N Main, owns property in this area, and he thanked the City for their efforts, but he urged them to adopt it as an advisory plan versus what appears to be a “set in stone” plan. The proposed road on his property follows a creek for 1000 feet and ends in a pond, and he asked the City to be reasonable and flexible with future decisions in this area.

**Brett Bailey**, 1272 N Ridge Dr, said his parents own property next to **Steve Christensen’s**, and he thanked the City for working with property owners to put a general design in place. He concurred with **Steve’s** comments and stressed the importance of flexibility.

**Scott Harwood**, 33 Shadow Breeze Rd, Kaysville, representing The Haws Companies, also thanked staff for their efforts and said flexibility is a key factor.

*The Public Hearing was closed at 7:20 p.m.*

**Jim Talbot** said flexibility is subject to interpretation, and **Dave Millheim** reminded the Council that the reason the regulating plan exists is to allow the City to remove certain conflicts between property owners. The plan is not perfect but it will solve more problems than it creates.

***Motion:***

**Cory Ritz** moved to adopt the Ordinance amending the Regulating Plan, which Plan is codified as part of Chapter 18 of the Zoning Ordinance, pursuant to the recommendations and findings approved by the Planning Commission as set forth in the staff report dated August 15, 2013. **Jim Talbot** seconded the motion which was unanimously approved.

**Ordinance amending Building Height in the RMU Zone**

**David Petersen** said the Planning Commission recommended approval of this Ordinance in conjunction with approval of a schematic plan for the Avenues at Station Park.

**Phil Holland**, representing Henry Walker Homes (HWH), said they are always concerned about how each development will impact the neighbors. He addressed several of the issues expressed by the public. Basements are not an option in this area because of the high water table, and an increase of 6 feet when looked at from 300 feet away is minimal.

***The Public Hearing was opened at 7:40 p.m.***

**Matt Brown**, 151 S 1150 W, said his home is less than 300 feet away from this property, but he did not receive notification about this item. The proposed tiny homes do not fit in this area.

**Wendy Rasmussen**, 1233 W 175 S, does not agree with changing the text of an ordinance for one development. Thirty-three feet is really high and will be obtrusive to the adjacent 2-story neighborhood.

**Shawn Speechley**, 313 S 1200 W, asked if the zoning would allow them to build higher than 33 feet, and the City Manager said 27 feet is the current height, and if it were changed, it would not be higher than 33 feet. **Shawn** is against raising the height limit in this location.

**Janae Haycock**, 74 Belmont Dr, agreed with the previous comments and asked why the City would even consider raising the height requirement along this beautiful trail.

**Julie VanZweden**, 1391 S Paddock Dr, concurred with the previous comments and wants to have homes that fit in with the surroundings. The City does not need more retail space.

**Ken Brighton**, ?? Citation Dr, said that just as boundaries can be subjective, height can also be subjective. Six feet is a big difference, and he adamantly opposes the height increase. If HWH wants to serve the community, they will go wider rather than higher.

**Scott Isaacson**, 441 S 1100 W, he is generally opposed to zone text changes on grounds of procedure, and zoning laws are in place to prevent situations like this one.

**AJ Green**, 147 S Citation Dr, said this change will affect the property rights and view shed of those who live close to the Legacy Trail, and a 300-foot buffer is not enough. He expressed frustration that they did not receive a notice of this proposal and said text amendments should be taken very seriously.

**Corinne Apezteguia**, 144 S 1150 W, lives on a one-acre lot and loves the country feel of west Farmington and the small-town feel of east Farmington. She is opposed to a height increase and retail development along the railroad.

**David Rathbun**, 81 S Churchill Downs, concurred with the previous comments.

**Leslie John**, 89 Citation Dr, said so much has been taken from them with the WDC. There have been so many changes, and she asked the Council to deny this request.

**Miguel Apezteguia**, 144 S 1150 W, concurred with the previous comments and said they have already had major encroachment on their lifestyle with the WDC. Station Park is a very classy development, but this height increase would change the feel of the area.

**JaNae Haycock**, 74 Belmont Dr, submitted a petition with 134 signatures from residents in the neighborhood which states that they do not want a height increase and future development in the area. She read the petition (which attached to these minutes) to the Council.

**Phil Holland** said the D&RG trail area is elevated 6-10 feet, and this piece of property sits in a bowl that is considerably lower than surrounding properties. He grew up in Kaysville, lived in Farmington and currently lives in Centerville. The nature of Davis County has changed drastically in the last few years, and it is no longer rural.

**David Peterson** said the actual height of homes is measured halfway up the roof, and the proposed units will not exceed 33 feet at the highest point. **Dave Millheim** advised the Council to close the public hearing, address the next agenda item, and then make motions for both items.

Emails from residents **Jake and Chantelle Barker**, **Devin and Kati Barlow**, **Jacen & Jeanne Soffe**, and **Kristin Jaussi** were also entered into the record.

*The Public Hearing was closed at 8:12 p.m.*

*Motion:*

#### **Avenues at Station Park Schematic Plan**

**David Petersen** said at this stage in the process, this schematic plan meets the standards of the Zoning Ordinance except that the 3-story homes next to the UTA trail property exceed the height limit.

**Leslie Mascaro**, 14547 S Hedgerose Dr, Herriman, agent for HWH, said they designed a unique project. They did a similar project in Murray with flex-space units which can use the first level to be used as a small office. There will be a direct connection to the trail system, an outside seating area on the corner, a community garden, a swimming pool, and a clubhouse.

*The Public Hearing was opened at 8:28 p.m.*

**Wendy Rasmussen**, 1233 W 175 S, asked if the homes would be owner occupied or leased and expressed concern about the flex space units. Developments like this will affect the

rural feel of west Farmington—all of the lots on 175 S are ½-acre lots—and will negatively affect property values. She asked the Council to deny this request.

**Shawn Speechly**, 313 S 1200 W, has lived in west Farmington for 10 years and 1100 W is a rural road, but during the County Fair and other events at the fairgrounds, it is very overcrowded. He asked the Council to oppose the height increase.

**Bryan Gates**, 256 S 1275 W, knew the triangle piece of property would be developed at some point. He was pleased that plans for apartments were denied, but this project has a very modern/urban look that does not fit in this location. He asked the Council to deny this proposal and to address over-crowded streets in west Farmington.

**Andrew Hiller**, 1268 Adrian Ct, does not want commercial areas south of Clark Lane. He did not receive a notice, and he asked the Council to send the proposal back to the Planning Commission give proper notice to the residents. He cautioned against having a roundabout because they do not work for pedestrians.

**Ken Bridenstine**, 1322 W Citation Dr, thinks the entire development is ugly.

**Matt Brown**, 151 S 1150 W, asked if the height was the only legal issue and said this proposal does not reflect the surrounding residential homes.

**Bryan Gates**, 256 S 1275 W, said the development in Centerville with retail on the ground level has been very unsuccessful, and a similar plan would be an inappropriate use for this area.

**JaNae Haycock**, 74 Belmont Dr, said mixed-use retail would be problematic, and the style of these units does not match other architecture in the area.

**Kristin Harbertson**, 28 E 930 N, has lived here for 30 years and she has never spoken during a public hearing. Station Park is world class, but this project is not, and she asked HWH to go back to the drawing board. She was offended by the comment that Farmington is not rural.

**David Rathman**, 81 S Churchill Downs, said a roundabout is a bad idea because it would not work. He is concerned about traffic and safety and strongly opposes a height change. He agreed that the comment, "Farmington is no longer rural" was in poor taste.

**AJ Green**, 147 S Citation Dr, said the design needs to fit in with the surrounding area, and this proposal does not fit. He would like the parking to be located behind the units with detached garages. Road improvements must be made to handle increased traffic flow.

***The Public Hearing was closed at 9:04 p.m.***

**Leslie Mascaro** said HWH wants to encourage permanent residents, and each unit will be a "for sale product". She thanked the residents who shared their opinions and said the architecture is still in the preliminary stages. There will be sidewalks on both 1100 West and Clark Lane and a 6-foot high fence on the west and the south.

The **Mayor** thanked the residents who voiced their opinions but advised them to be cautious in their efforts to deny future development. The City received plans for a C-store/car wash and several housing developments with much higher density than this one. Once the zoning is in place, there is not much the City can do. The layout of this area began many years ago when the City decided to allow commercial development in the I-15/railroad corridor to provide a tax base. Farmington's population 8 years ago was 13,000, and now it is more than 21,000. He has lived in Farmington for 35 years and has come to realize that property owners have the right to develop their property. The standard noticing area is 300 feet which explains why some residents did not receive a notice.

**Cory Ritz** was on the Planning Commission with **Jim Talbot** and **John Bilton** when this area was rezoned, and during his 12 years of public service, many good decisions were made but the decision to rezone this property has caused numerous problems for the City. This property will always be an island, but he feels this plan will be an "out of place" island, and he does not want to change the current height standard.

**Dave Millheim** said the D&RG trail will be finished soon, and he was reminded of property rights at a recent meeting with UTA when they pointed out that although they have allowed several cities to use the line as a trail, at some point in the future it will be a rail line.

**Jim Young** was impressed with the civility of both the developer and the residents, and said there were many compelling comments regarding the local look, feel, and style of this project, but those elements are not part of this decision. He plans to oppose the height increase; however, he feels responsibility to respect the use that is available for the property owner and will probably support the plan.

**John Bilton** also thanked the residents and said he has seen flex-type plans that have worked. The City's plan was to create a transition zone from the DMV, the jail and Davis County to the traditional homes in the area. He asked about sidewalks on 1100 W and expressed major concern regarding traffic issues in the area. **Dave Millheim** said there are only two ways to get a sidewalk on the east side of 1100 W—either cooperatively or uncooperatively—with Davis County, and the City does not currently have a game plan for that issue.

**Jim Talbot** informed the public that the City has taken a very strong stand against the WDC, and details are on the City's website. He commended HWH for coming in through the front door and being willing to take shots from the public. It is a difficult piece of property, but there could be much worse projects, and it is an emotional issue when it is in your own backyard.

**David Petersen** said the zoning ordinance does not dictate density but it regulates form, height, parking, and open space. The maximum density is actually created by how the developer chooses to address the streets, open space, architecture, etc.

***Motion:***

**Cory Ritz** made a motion to deny the Ordinance amending the building height adjacent to local streets in the RMU zones to allow for 3-story buildings not to exceed 33 feet in height. It was seconded by **Jim Young** and approved by Council Members **Ritz** and **Young**. Council

Members **Bilton** and **Talbot** voted against the motion. The fifth Council Member was not in attendance, so the **Mayor** cast the final vote which was against the motion, and it died.

***Motion:***

**John Bilton** made a motion to adopt the Ordinance amending the building height adjacent to local streets in the RMU zones to allow for 3-story buildings not to exceed 33 feet in height under certain conditions, pursuant to the findings approved by the Planning Commission as set forth in the staff report dated September 17, 2013. **Jim Talbot** seconded the motion, and Council Members **Bilton** and **Talbot** approved it; Council Members **Ritz** and **Young** did not approve it. The **Mayor** cast the final vote to approve the motion and it passed.

***Motion:***

**Jim Young** made a motion to approve the Schematic Plan for the Avenues/Village at Station Park consisting of 128 lots on 12.11 acres located at the southwest corner of Clark Lane and 1100 West, subject to all applicable Farmington City ordinances and development standards and to the conditions and findings recommended by the Planning Commission on September 26, 2013 and an additional condition for the paved trail to be increased from 10 to 12 feet wide. It was seconded by **Jim Talbot** and approved by Council Members **Bilton**, **Talbot**, and **Young**. Council Member **Ritz** did not approve the motion because he does not like the project in its present form.

**Bell Estates Schematic Plan**

**David Petersen** said there is a 55-foot public right-of-way easement on the north side of this property which the developer plans to vacate. However, the Davis School District (DSD) purchased the property to the west for an elementary school, and the City's Development Review Committee (DRC) recommended that the easement remain in place until the school is built. The developer is also requesting a waiver of open space which would be 25% or .33 acres.

**Jerry Preston**, 347 E 100 N, agent for **Marc Bell**, reported that the DSD does not want the road or a trail easement. He is not opposed to leaving the trail access if the DSD would accept it, but the two homes in the cul-de-sac would have a road on the back, the side, and the front which would be difficult.

***The Public Hearing was opened at 10:35 p.m. There were no comments and it was closed.***

The **Mayor** said the DSD needs a second access road, and **Dave Millheim** made two points: (1) the State Code allows schools to trump the City's zoning ordinance in certain situations; and (2) it is unrealistic for the DSD to believe they can open an elementary school without a second access. The City needs additional time to discuss these issues with the DSD.

***Motion:***

**John Bilton** made a motion to table the Bell Estates Schematic Plan and to direct staff to determine the property rights of the DSD and a dual access which may potentially be associated with a future school. **Cory Ritz** pointed out that the main access must come from 1100 W or Glovers Lane. **John Bilton** amended his motion to state that primary access to the school will

come from Glovers Lane or 1100 W, and secondary access will come from 950 W. **Cory Ritz** seconded the motion which was unanimously approved.

### **Villa Susanna Schematic Plan**

**David Petersen** said this is a request for a 3-lot subdivision on .88 acres on Main Street. The Zoning Ordinance requires all homes on Main Street to face the front; however, the contractor does not want to do a PUD because it may lower the value of the property, and he wants strict lot lines and separate ownership. Contractor **Mike Evans**, 272 E 1875 N, Centerville, said he plans to save the old wall, steps, and trees.

***The Public Hearing opened at 11:10 p.m. There were no comments and it was closed.***

#### ***Motion:***

**John Bilton** made a motion to approve the schematic plan for the Villa Susanna PUD consisting of 3 lots on .88 acres located on the northeast corner of 1400 N Main Street in an LR-F zone subject to all applicable Farmington City ordinances and development standards and the conditions and findings recommended by the Planning Commission on September 17, 2013 with an 8<sup>th</sup> condition that the applicant will follow the City's PUD process and a 9<sup>th</sup> condition that when preliminary plat approval is granted, the previous schematic plan for 5 lots will be void. It was seconded by **Jim Talbot** and unanimously approved.

### **PRESENTATION OF PETITIONS AND REQUESTS:**

#### **Resolution for the Annexation of the Tanner Trading Co. Property**

The City received a petition from Norman L. Frost/Ovation Homes to annex 23.5 acres of property north of 1800 N and east of Haight Creek.

#### ***Motion:***

**Jim Talbot** moved to approve the Resolution accepting the proposed Tanner Annexation for further consideration. It was seconded by **John Bilton** and unanimously approved.

### **SUMMARY ACTION**

1. Approval of Minutes from September 3, 2013 and September 17, 2013
2. Re-Approval of a Plat Amendment for Farmington Hills East Plat B
3. Maverik Hold Harmless Agreement
4. Farmington Station Plat Amendment
5. Request for Exemption from Curbside Recycling Program

#### ***Motion:***

**Jim Young** made a motion to approve Items 1-4 on the Summary Action List. It was seconded by **John Bilton** and unanimously approved. Item 5 should not have been put on the agenda and will be addressed by the City Manager.



## **NEW BUSINESS:**

### **Microsurfacing and Restriping of Park Lane**

#### ***Motion:***

**Jim Talbot** made a motion to approve the addition of \$167,727.96 to the budget to be taken from the General Fund balance to pay for the microsurfacing, restriping and signal work on Park Lane and to direct staff to withhold the funds until the City is satisfied with the work. It was seconded by **Cory Ritz** and unanimously approved.

### **Extension of Farmington Ranches Trail**

The Council asked staff to provide a report on the use of trail funds, and the City Manager agreed to do so.

#### ***Motion:***

**John Bilton** made a motion to approve approximately \$30,000 to be split between the City's general fund balance (70%) and the Trails Committee balance (30%). The motion was seconded by **Jim Young** and unanimously approved.

### **Procedure changes for Chapter 9 of the City Code: Cleaning of Real Property**

**David Petersen** said this issue is complicated and asked for additional time to research the issue. **Dave Millheim** thanked Police Chief **Wayne Hansen** for going above and beyond what was required in order to address an ongoing difficult situation related to this issue.

## **GOVERNING BODY REPORTS:**

### **City Manager – Dave Millheim**

- The Police and Fire August Activity Reports were included in the staff report.
- A ribbon-cutting ceremony for the new trail is scheduled for October 12<sup>th</sup> at 10:00 a.m.
- A "Meet the Candidates" night is scheduled for Oct. 16<sup>th</sup> at 7:00 p.m. The date was listed incorrectly in the newsletter and an insert with the correct date will be included in the utility bill.

### **Mayor – Scott Harbertson**

- He asked that the trail easement through **Jason Farr's** property be on the next agenda.
- A Fire Station Open House will be held on October 9<sup>th</sup> from 6-8 p.m.
- The cost for Christmas banners will be \$9,135 which the Council directed to be placed on the next agenda for consideration.

**City Council**

***Cory Ritz:***

- He reported that the Trails Committee greatly appreciates the annual summer party hosted by the City.
- A new street light on the corner of Lagoon Drive near the campground is not working, and **Dave Millheim** said he would have the Streets Department check it out.

***Jim Talbot:***

- He asked for an update on the sidewalk, curb and gutter for 450 S, and the City Manager said he would begin the process as soon as possible.
- He suggested posting signs as part of the noticing process for future developments. The Council discussed the pros and cons, the City Manager said a sign solves more problems than it creates, and the Council agreed to try signs.

***Jim Young:***

- He asked if the City had the replacement of water meters on a rotation schedule, and the City Manager said he would provide and update.

**CLOSED SESSION**

***Motion:***

At 11:40 p.m. **Jim Young** made a motion to hold a closed meeting to discuss the acquisition of real property. **John Bilton** seconded the motion which was unanimously approved.

**Sworn Statement**

I, **Scott C. Harbertson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

  
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**Scott C. Harbertson, Mayor**

***Motion:***

At 11:50 p.m. a motion to reconvene into an open meeting was made by **Jim Young**, seconded by **Jim Talbot**, and unanimously approved.

**ADJOURNMENT**

***Motion:***

**Jim Young** made a motion to adjourn the meeting which was seconded by **Cory Ritz** and unanimously approved, and the meeting was adjourned at 11:50 p.m.

  
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**Holly Gadd, City Recorder**  
Farmington City Corporation

